

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Barbara Shepard

v.

Civil No. 11-cv-65-JL

Latva Machine, Inc.

O R D E R

Before the court is pro se plaintiff Barbara Shepard's complaint (doc. no. 1), alleging violations of her rights under the Age Discrimination in Employment Act, 29 U.S.C. §§ 621-634 ("ADEA"). The matter is before the court for a preliminary review to determine, among other things, whether the pleadings, filed in forma pauperis, state any claim upon which relief might be granted. See 28 U.S.C. § 1915(e)(2)(B); United States District Court District of New Hampshire Local Rule ("LR") 4.3(d)(1)(B) (magistrate judge directed to perform preliminary review of complaints filed in forma pauperis).

For reasons set forth in the Report and Recommendation issued this date, the court has recommended that Shepard's claim of constructive discharge be dismissed. The remaining ADEA claims identified in the Report and Recommendation may proceed.

Conclusion

The clerk's office shall issue the summons in the case file completed by plaintiff, naming Latva Machine, Inc., as the defendant, and shall forward to the United States Marshal for the District of New Hampshire (the "U.S. Marshal's office") the summons, a copy of the complaint (doc. no. 1), including the exhibits thereto, the Report and Recommendation issued this date, and this Order. Upon receipt of the necessary documentation, the U.S. Marshal's office shall serve defendant. See Fed. R. Civ. P. 4(c)(3) and 4(h)(1).

Defendant is instructed to answer or otherwise plead within twenty-one days of service. See Fed. R. Civ. P. 12(a)(1)(A).

Shepard is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on defendant by delivering or mailing the materials to it or its attorney(s), pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.



Landya McCafferty
United States Magistrate Judge

September 19, 2011

cc: Barbara Shepard, pro se

LBM:nmd